

RAPID PROGRESS IN ALLEN TRIAL

Twenty-Five State's Witnesses
Examined During Day's
Session of Court.

FOLLOW FORMER EVIDENCE

Clothing Worn by Murdered
Man Introduced—Prisoner
Far From Well.

(Special to The Times-Dispatch.)
Wilmington, Va., December 5.—Rapid
progress was made to-day in the ex-
amination of State's witnesses in the
trial of Sidney Allen for the murder of
William M. Foster, twenty-five wit-
nesses having been on the stand when court ad-
journed for the day.

The great majority of the witnesses
followed their testimony in former
trials without noticeable change, and
but few incidents occurred to vary the
monotony occasioned by the frequent
presentation of the same points in the
same story.

The jurors are paying the strictest
attention, and no matter what their
conclusions may be when the case is
submitted for their determination, they
apparently will be arrived at by care-
ful consideration of the evidence as
detailed to them by witnesses. Their
interest is frequently manifested by
the asking of questions, and the point
of those questions shows not only
great intelligence, but a full apprecia-
tion of the evidence as presented.

Twenty-five witnesses gave in their
evidence to-day and in the main both
chief and cross-examinations were
short.

Several exceptions were taken by
counsel for the prisoner, the first when
Dr. Nickols, the first witness, was
asked as to Judge Massie's statements
to him with reference to the prisoner
in his dying moments. Strenuous ob-
jection was made to this question, on
the ground that the dying declaration
of Judge Massie had been properly re-
cited in the trial in which the accused
had been convicted of murder in the
second degree for the killing of Judge
Massie, but that they were not proper
in this case, where the same prisoner
was on trial for the killing of W. M.
Foster; that the declarations were only
admissible on a trial for killing the
man who made them. The court ad-
mitted the evidence on the ground that
there was a charge of conspiracy, and
that each was responsible for all.

Another exception was taken dur-
ing the evidence of W. A. Hawks, when
it is alleged that Floyd Allen several
weeks before the trial had said "the
gang up there in Hillsville had it in
for him," and if they sent him to the
penitentiary he would shoot them now
to shoot up the court, and if Judge
Massie won't set the verdict aside he
would kill him the first one. The ob-
jection to this evidence was overruled
on the ground that it showed the pur-
pose and motives from which Floyd
Allen acted. Newton Beville also tes-
tified to a conversation with Floyd
Allen in which he made similar
threats, with the addition "that if
Judge Bolen (who was his counsel)
did not do his duty he would kill him
also."

The evidence of the various witnesses
extended over a wide range, touching
every phase of the case.

The clothing worn by Foster and Webb
at the time they were shot was in-
troduced and identified during the ex-

CHRISTMAS GIFT SUGGESTIONS

Few boys in college but what can play some musical
instrument. The Mandolin, Guitar and the Banjo are the
easiest to play, and for that reason are the favorite instru-
ments.

Even though that boy of yours in college cannot now
play he would appreciate such a gift.

The Mandolin and Guitar go well together, and these
two instruments will afford many a pleasant evening in the
home circle.

We have a complete assortment of Musical Instruments
of all kinds. Make your selection early, while stocks are
complete, and we will lay them aside for Christmas delivery.

Walter D. Moses & CO.

103 East Broad Street.

Oldest Music House in Virginia and North Carolina.

Novel Point Raised in Trial at Norfolk

Can a Person Who Does Not Believe
in a Supreme Being Be a
Competent Witness?

(Special to The Times-Dispatch.)
Norfolk, Va., December 5.—
Whether a person who does not be-
lieve in a Supreme Being is a com-
petent witness in Virginia courts
was the subject of a spirited dis-
cussion to-day in the Court of Law
and Chancery.

Yesterday Judge W. B. Martin
ruled that N. M. Osborne was an
incompetent witness because he is
an atheist, but to-day he reversed
his decision and permitted the wit-
ness to testify.

It is said to be the first instance
in Virginia in which the question
has been raised. Braden Vande-
venter raised the point this morn-
ing that to disqualify Osborne be-
cause he is an atheist was in viola-
tion of the Constitution written by
Thomas Jefferson guaranteeing reli-
gious freedom.

Robert M. Hughes argued that no reli-
gion should be coerced upon any
one, but that a witness was incom-
petent unless he professed some
religion, leaving him free in the
selection.

A nonsuit was taken in the case
by the plaintiff. The suit will prob-
ably be brought in another court,
and attorneys interested said it
would probably be taken to the
Supreme Court to have the question
determined.

Examination of R. M. Blankenship, who
pointed out the bullet holes to the
jury. On cross-examination, the wit-
ness, at the request of counsel of de-
fense, put Mr. Foster's coat on, that
the point of entrance of the bullet
might be more readily and intelligently
seen.

The theory of the defense will be
judged from questions asked, that
there was no conspiracy, but a court-
room fight, for which the officers had
prepared; that there is no evidence in-
dicating that Foster was killed by
the accused, and that the accused has
already been tried and convicted for
the killing of Judge Massie in the same
transaction, and has therefore been al-

ready placed once in jeopardy for the
same transaction.

Mrs. Foster, the widow of W. M.
Foster, was examined to-day as to her
husband's wound. The counsel for de-
fense did not cross-examine.

The prisoner still bears the appear-
ance of being far from a well man, in
addition to showing the great strain
he is going through.

LESS THAN HALF OF CLASS PASSES

Thirty Successful Applicants to
Practice Medicine in North
Carolina.

Raleigh, N. C., December 5.—The State
Board of Examiners of the North Carolina
Pharmaceutical Association announced to-
night that thirty out of the class of sixty-
three, examined here this week as ap-
plicants for license to practice pharmacy
in this State, were successful. The list of those
who passed are as follows: F. H. Lunn,
Wilkesboro; H. R. Lewis, Charlotte; Carry
Foster, Asheville; W. H. Rankin, Greens-
boro; O. G. Coppedge, Greensboro; R. B.
Lewis, Ekine; W. L. Barnhill, Greenville;
R. R. Hamlet, Raleigh; W. O. Smith, Dur-
ham; J. B. Cooper, Statesville; D. G. Riden-
house, Charlotte; W. A. Burwell, Warren-
ton; M. J. Forman, Whiteville; C. H.
Coker, Greensboro; J. C. C. Foster, Tryon;
P. R. Bell, Elizabeth City; T. E. Matthews,
East Durham; J. K. Brown, Greenville; E.
P. Crabtree, Henderson; N. S. Arringer, Bal-
timore; A. B. Barnes, Maxton; William F.
Strawhorn, Durham; H. D. Baker, Raleigh;
J. R. Hughes, Greensboro; W. F. Rogers,
Durham; O. H. Lyon, Washington; J. B.
Coppedge, Greensboro; Charles R. Rine,
Wilkesboro; D. L. Perry, colored, Fayette-
ville; W. T. Rogers, colored, Durham.

A block of the overhead plating in the
court-room and general business office of
the Corporation Commission fell this morn-
ing about 10 o'clock, but injured no one.
Chairman Franklin McNeill and Secretary
A. J. Maxwell were at the chairman's desk
only a few feet away, and were much start-
led by the falling of the plaster, which
came down in blocks a few square and
broke up into much smaller fragments.

WITNESS DENIES IMPROPER MOTIVE

May Had No Intention of In-
fluencing Judge Archbald,
of Commerce Court.

TELLS OF CULM BANK DEAL

Acknowledges That Jurist Asked
Him to Keep Sale Price
Confidential.

(Special to The Times-Dispatch.)
Washington, December 5.—Denial that he
intended influencing Robert Archbald as a
judge of the Commerce Court when he re-
commended the sale of the Katydids culm
dump to E. J. Williams and Judge Arch-
bald, was made to-day by W. A. May, vice-
president and general manager of the Hill-
side Iron and Coal Company, in his testi-
mony to the Senate, sitting at the impeach-
ment trial of Judge Archbald.

Mr. May told of receiving Williams with
a letter from Judge Archbald asking if the
Katydids dump was for sale. A consultation
between Mr. May and Vice-President Rich-
ardson, of the coal company, and also of
the railroad company, followed, at which it
was decided not to sell. On August 25, 1911,
May testified, Richardson told him to go
ahead with the sale.

"Why did he say to go ahead?" inquired
Representative Sterling.

"He told me Judge Archbald had been to
see him," was the response.

Five days later, Mr. May testified, he met
Judge Archbald on the street and told him
to send Williams to see him. May testified
he then wrote to Williams offering to sell
the dump. He acknowledged receiving a
letter from Judge Archbald, who asked that
the purchase price of \$4000 be kept confi-
dential. He told of Richard Bradley con-
sulting to buy the dump from Williams,
but he testified he did not know Bradley
had agreed to pay \$3000 for the property.
Under a fire of questions the witness denied
he withdrew a form of sale, submitted to
Bradley, because he "had a tip" Judge
Archbald's conduct was being investigated.
He gave as a reason that litigation was
threatened by persons claiming an interest
in the dump.

Under cross-examination, Williams testi-
fied that William G. Boland had asked him
to get Judge Archbald to write the letters to
Mr. May, and that Boland had been prom-
ised an interest in the property.

Legal action to compel J. H. Rittenhouse,
of Scranton, to appear as a witness at the
Archbald trial was asked by Representative
Clayton when the Senate reconvened to-day
after an impasse caused by Mr. Clayton's
Rittenhouse had announced he would not
come unless forced.

Senator Bacon directed that Rittenhouse
be brought before the Senate by official
Edward J. Williams resumed the stand as
a witness. He testified he had gone to
Judge Archbald's office in Scranton when
he was under subpoena. Mr. Clayton said
proceedings started by the House last
summer.

"He told me to tell the truth and let the
consequence go where it will," Williams tes-
tified. He admitted Judge Archbald paid
him railroad fare to Washington at that
time.

HOWARD RELEASED ON \$11,500 BAIL

Will Appear in Corporation
Court on January 10 and in Fed-
eral Court on January 5.

(Special to The Times-Dispatch.)
Washington, December 5.—A good
story of how Virginia politics is
working leaked out here to-day, in
which several well-known politicians
of the Old Dominion are concerned.
It has been rumored for some time
that in Virginia there are a number
of persons who would not be averse
to accepting positions in President
Wilson's Cabinet, should the places be
tendered them. To-day it is said that
former Governor A. J. Montague, who
last summer was elected to succeed
Captain John Lamb in the House after
March 4, is to be pushed by his
friends for a Cabinet place, probably
Attorney-General, and that should be
land. Captain Lamb will, in all prob-
ability, be again elected to his old
seat in the House. This would not
only be a big thing for Governor
Montague, and be the means of having
Captain Lamb retain his present seat,
but it is said, also, that it would bring
together the machine and the anti-
machine factions of the Democratic party
in Virginia. This would be more than
ordinarily pleasing to President-Elect
Wilson, and he no doubt would go
far to see both factions in his State
come together for the good of Demo-
cracy.

It is known that some very import-
ant conferences regarding patronage
distribution have been held here dur-
ing the last few days by the Vir-
ginia members of Congress with a view

SUIT FOR \$400,000 DAMAGES.

Argument in Biggest Civil Action Ever Tried
in Halifax County.

(Special to The Times-Dispatch.)
Weldon, N. C., December 5.—The largest
civil suit ever heard in Halifax County was
argued to-day by eminent counsel on each
side. It is an action brought by the Rose-
mary Manufacturing Company, of Raleigh,
North Carolina, against the Rosemary
Navigation and Water Power Com-
pany and George C. Green, receiver, for
the recovery of \$400,000 damages for breach
of contract or failure to furnish electric
power for the operation of the textile mills
at Rosemary. The defendant corporation
answers by saying the contract had expired
and that owing to the destruction of the
banks of the canal by the freshet in March
it would be unable to furnish this power,
and that the failure to do so is due to causes
beyond its control. For the plaintiff com-
pany, Judge Eliza, of Durham, and W. E.
Daniel, of Weldon, appeared, while the de-
fendant was represented by Murray Allen,
of Raleigh, and E. L. Travis, of Halifax.
Two speeches were delivered this afternoon.
The case will probably go to the jury Fri-
day evening.

TARGET PRACTICE POSTPONED.

Dense Fog Hides the Katabdin from Res-
cue.

Norfolk, Va., December 5.—Because a dense
fog hid the target from view the battleship
Arkansas and the monitor Albatross did not
fire on the gun Katabdin in Chesapeake
Bay to-day. The Katabdin could not be seen
through the mist from the deck of the Ar-
kansas, which was anchored about a mile
away.

The Norfolk and Washington steamer
Southland went ashore below Sewall's Point
to-day as a result of the fog, and it was
four hours later before she was floated. Her
passengers were brought to Norfolk on
board a tug.

The revenue cutter Onondaga got stuck
in the mud below Bush Bluff while trying
to feel her way out of the harbor, but man-
aged to free herself without assistance.

Two Men Gored to Death by Infuriated Bulls

Athens, Ga., December 5.—J. A.
Smith, aged eighty, a prominent
planter, was gored to death to-day
by a Jersey bull. The planter
was passing through a paddock
where the bull was confined when
attacked by the animal. After
making a vain attempt to escape,
the aged man turned and faced the
bull in an effort to frighten the ani-
mal away. He practically was dis-
emboweled by the infuriated beast.
Death was instantaneous.

KILLED SEEKING REVENGE.
Los Angeles, Cal., December 5.—
Joseph Rudolph, employee of a dairy,
died yesterday from wounds in-
flicted by a bull which he had de-
liberately engaged in battle. Some
time ago the bull killed a fellow
employee, and Rudolph determined
to avenge his comrade's death. He
entered the enclosure where the ani-
mal was confined. He had a re-
volver, knife and club. Before he
could use any of his weapons the
bull charged and gored him so badly
that he died.



Glad to Open Accounts With Responsible People.

Rich Brilliant

Gift Jewelry

"Always Hits the Mark"

No matter whom you want to remember, or how much
you have to spend—HERE you'll find the RIGHT gift at
the RIGHT price. Every piece has that distinction of
design and impressiveness of quality which reflect the
greatest credit upon the giver. You find this

The Best Place to
Select Your Remembrances

Diamond Jewelry
Watches
Silver Toilet Ware
Brooches, Pendants

Lavallieres, Pendants
Mouth Bags
Silver Tea Sets
Mantel Clocks, etc.

THE BEST TIME—NOW.

J. S. JAMES,

Incorporated
The Diamond Merchant,
Corner of Seventh and Main Streets,
Richmond, Va.



CABINET PLACE FOR MONTAGUE

Friends of Former Governor of
Virginia Grooming Him
for Portfolio.

MAY BE ATTORNEY-GENERAL

Supporters of Lamb Believe It
Consummation Devoutly to
Be Wished.

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Judge Is Overcome by Painful Duty in Pitiful Cases

Justice Connor Declares His Position
at Times Is Almost
Unbearable.

(Special to The Times-Dispatch.)

Raleigh, N. C., December 5.—Har-
rington and imprisoned on behalf of
numbers of really pitiful cases. Judge
Henry G. Connor, of the United
States Court here, gave vent to his
feelings during court to-day and
declared from the bench in sen-
tences broken by tears and sobs,
that he would to God all the people
that had grace in their hearts that
would make them law-abiding citi-
zens, and that his duties on the
bench are made almost unbearable
by the pitiful cases continually com-
ing up. Already during his term,
he said, he has made forty orphans
and numbers of widows in effect by
having to sentence husbands and
fathers to jail in cases where no
other wise course was open to him.

Sympathetic tears were shed in
all parts of the courtroom, the
tears visibly welling up in the eyes
of the hardest criminals while the
judge was speaking. This was in
the trial of Louie Whittier, con-
victed of selling whiskey at Wake
Forest. He was drawn with rheu-
matism and has a large family. Also
there is a case of R. C. Branch,
whom the judge has been obliged
to sentence to eighteen months and
who has eight children and a wife
in delicate health in Harroett County,
without means of support. Branch
had a gun at a still to shoot re-
venue raiders.

to getting tangible results when Gov-
ernor Wilson returns from Bermuda.

Ex-Governor Montague not being in
Washington, no statement could be
secured from him regarding his part in
the proposed program; neither could
Captain Lamb be located to-night to
add light to the story. However, those
with whom The Times-Dispatch cor-
respondent talked said that Governor
Montague had assured his friends that
if he should be given a Cabinet place
he would, of course, resign the seat in
the House, to which he was recently
elected.

There seems to be no doubt that
Governor Montague's friends are ac-
tively back of the proposed plan and
those of Captain Lamb are equally as

enthusiastic, as it would give the lat-
ter, in all probability, his old place in
the House.

If Virginia does not get representa-
tion in the Cabinet, with Harry H.
George Tucker, "Dick" Byrd, Governor
Montague and other equally prominent
Democrats in the limelight, there will
be considerable disappointment in this
part of the world. P. H. McG.

MEETS NEXT AT NORFOLK.

Wilmington, N. C., December 5.—The third
annual meeting of the Seaboard Medical
Association at Newbern, N. C. closed to-
day. The association decided to meet next
year in Norfolk, Va., and elected the fol-
lowing officers: E. C. Rawles, Norfolk, pres-
ident; H. D. Walker, Elizabeth City, Josiah
Taylor, Washington, N. C., G. E. Van-
der-alke, Phoenix, Va., vice-presidents; Isiah
Brown, Norfolk, treasurer; C. P. Jones,
Newport News, secretary; Joseph Spruill,
Columbia, N. C., orator.

The closing feature of extended entertain-
ment to the visitors was arranged by the
Chamber of Commerce to-night.

Pay City Taxes

Room 107, City Hall.
Richmond, Va., December 1, 1912.

THE LAST HALF OF CITY TAXES.
REAL ESTATE AND PERSONAL FOR
1912 ARE DUE IN DECEMBER, AND
SHOULD BE PAID AT THIS OFFICE.

EVERY MALE, twenty-one years of
age, and EVERY person keeping house
or doing business in the city, is as-
sessed for personal taxes. Those who
have not paid any city taxes during
the year are urged to call and settle,
so as to avoid being posted as delin-
quents.

FIVE PER CENT will be added to
last half if not paid on or before DE-
CEMBER 31.
Interest at SIX PER CENT also at-
tached to all bills as soon as reported
delinquent.

Particular attention is called to the
above, as under the city ordinance
there can be no avoidance of the pen-
alty.

GRADING, PAVING AND SEWER
CONNECTION BILLS are also due and
payable. FIVE PER CENT penalty
will be added to all 1912 Grading, Pav-
ing and Sewer Connection bills NOT
PAID BY JANUARY 31, 1913.

WASHINGTON WARD TAXES, ETC.,
must be paid at the office of DEPUTY
COLLECTOR, Tenth and Hull Streets.

H. L. HULCE,

City Collector, City of Richmond.

Issued every Sunday as a part of **The Illustrated Sunday Magazine**

Carries every Sunday the best work of the same writers and illustrators that make the standard 15-cent maga-
zines. Compare the holiday issues with any of the maga-
zines. It is the greatest Sunday magazine ever published.

The Times-Dispatch

FEATURES FOR DECEMBER 8

Great Fiction by Great Writers

George Pattullo

C. G. D. Roberts

Writes one of his rattling
romances of the West.

A really wonderful story,
"The Feud."

Leo Crane

"Wireless" is a gripping story of the sea.

David Belasco

In an interview by Montrose J. Moses, the great theatri-
cal producer tells of the tricks he plays that please the
playgoers.

The
Greatest
Magazine
Value
in the
World

George Randolph Chester, George Barr
McCutcheon, Rex Beach, Mrs. Jacques
Futrelle, Leo Crane, Edward Lyell Fox,
James Montgomery Flagg, Howard
Chandler Christy, Will Foster, F. Vaux
Wilson, W. H. D. Koerner and other
famous artists and writers will contri-
bute their best work to the holiday is-
sues of the Illustrated Sunday Magazine.

Order
It
Now--
The
Times-
Dispatch

"The Best There Is in Sunday Reading"

All Contractors, Sub-Contractors, Supply Dealers and Material Dealers

Are urgently requested to attend an Indignation
Meeting, to refute certain statements made in the
Times-Dispatch reflecting upon the ability and
character of local contractors, to be held in the
rooms of the Builders' Exchange, Room 2,
Mutual Building, Friday, December 6th, at 12
o'clock Noon.

It is of the utmost importance that everyone
engaged in the building business in this city attend
this meeting.